



**An Roinn Comhshaoil,  
Aeráide agus Cumarsáide**  
Department of the Environment,  
Climate and Communications



Consultation on removing the self-compliance option for  
packaging producers under the European Union  
(Packaging) Regulations 2014

*Prepared by*  
*The Irish Food Packaging Alliance*  
*(IFPA)*

**About the IFPA**

The Irish Food Packaging Alliance (IFPA) is the representative organisation for domestic food packaging producers in Ireland. IFPA is committed to the development of a truly circular economy whereby all plastic products are reprocessed for reuse. Our members are calling on Government to engage with all stakeholders involved in the product life cycle with a view to developing a commercial waste stream for all plastic packaging and therefore creating a sustainable approach to reducing the climate and ecological impact of plastic waste.

All queries in relation to this document should be addressed to

Please accept this concise submission on behalf of the members of the Irish Food Packaging Alliance, in response to the draft regulations which provide for the removal of the self-compliance option from the Packaging Regulations by the end of December 2022.

For context, our membership comprises members who produce both rigid and soft plastics for use within the food chain system, some are members of REPAK while others are not.

It is our firm belief that forcing packaging producers to become members of Repak is a regressive step. This is based on the following:

- Repak is a private company which is answerable to its shareholders, with little transparency as to who owns the company. As such they have a vested interest in the current system as opposed to the local authorities who do not.
- Repak is in effect a monopoly, which these regulations would seek to further solidify. While it is nominally a not-for-profit company, it generated a net worth of €30,9806,880 since its incorporation with little oversight as to what the money is spent on and how these funding decisions are made. In this regard, Repak is an outlier when compared to its EU peer compliance organisations which are not-for-profit. This money is idle while it is clear to industry that Ireland will not meet its plastic recycling targets. The IFPA is concerned by the signal which the further consolidation of power sends to the industry.
- Should the decision to centralise the compliance mandate to Repak, then Repak should be converted to a company that is truly not-for-profit. The IFPA takes issue with the perception or possibility that a company should be allowed to generate profits as a result of environmental decline.
- While Repak is nominally overseen by the Department of Environment, Climate Action and Communications there is little in the way of public scrutiny. The IFPA did not observe any public notification of Repak's licence renewal to operate in the last two years.
- As experts in the production and genuine reprocessing of plastic waste, the IFPA is firm in its conviction that Repak has failed the plastic sector. It has demonstrated little interest in the development of or investment in indigenous plastic recycling infrastructure, is slow to intervene when the market favours virgin plastic, fails to adequately audit the destination for exported waste plastic; and as a result Ireland is significantly lagging behind our EU peers in managing plastic waste.
- The IFPA takes issue with Repak's self-described purpose as: *"to lead the recycling and sustainability of Ireland's packaging waste; advocate for a new circular economy; and educate businesses and consumers on reducing and recycling packaging waste."*<sup>1</sup> In 2021, Repak ran a surplus of €1,894,665 which is incongruous with the fact that Ireland is having little impact on increasing its plastic recycling rates. Rather than leading a shift to a more circular economy, Repak is currently acting as an inhibiting factor to increasing Ireland's pursuit of its recycling goals.

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<sup>1</sup> <https://repak.ie/about-us/>

- According to the EPA who noted that based on statistics for 2020, *'Achieving the sizeable improvements in plastic recycling rates needed over the next few years will necessitate urgent implementation of the policy measures contained in the Waste Action Plan for a Circular Economy'*<sup>2</sup> Repak has failed to capture the urgency required to reach the 2025 EU plastic recycling target of 50%.
- In line with free market principles, Government should be seeking to increase the number of complying authorities in order to stimulate competition and encourage greater use of fees collected. If self-compliance is no longer an option, a further compliance authority should be established as a matter of urgency.
- **Accountability and Traceability:** A further issue which must be addressed is that of accountability and traceability of recyclate. Currently plastic waste is collected from homes by the various waste collection companies and brought to material recovery facilities (MRFs). Here, high quality plastic recyclate is segregated with the vast majority of this material being exported to overseas facilities for recycling. While those who export waste from Ireland (largely MRFs and material traders) must currently nominate and record a recycling facility where this plastic waste is going to, there is little to no oversight as to what happens this plastic once it leaves Irish shores.

Repak, the Irish organisation responsible for the administration of extended producer responsibility schemes, does not currently audit the overseas facilities where Irish material is sent by 'Irish recyclers' – the IFPA does not believe that managing the exporting waste constitutes genuine recycling. The IFPA would urge Government to create an environment where there is more stringent accountability and traceability of Irish waste to ensure it is either reprocessed domestically or, at least, is guaranteed to be responsibly managed once exported.

- **Data Collection:** Data collection is also a major issue within the context of waste collection and recycling. If we are to achieve our recycling targets, we must have credible and reliable data upon which to base both our current baselines and assess progress as we strive to reach the ambitious targets.

The Environment Protection Agency as the body responsible for the collection of data is not resourced sufficiently to collate and audit the required figures. The EPA must rely on figures supplied by Repak and, as outlined above, Repak do not sufficiently audit the lifecycle of plastic waste once it leaves Ireland.

In 2019, Ireland recycled 1.5% of the 319,082 tonnes of plastic material in Ireland. We exported 83,756 tonnes of plastic for recycling.<sup>3</sup> Repak do not perform any 3rd party audits of the facilities where this material is exported to and there is no confirmation of the reprocessing of this material.

In order to engender public confidence in the recycling system we must have accurate and reliable data. If the goal of ending self-compliance is to ensure all producers are equitably

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<sup>2</sup><https://www.epa.ie/our-services/monitoring--assessment/waste/national-waste-statistics/packaging/>  
<sup>3</sup><https://www.epa.ie/news-releases/news-releases-2021/more-packaging-waste-falling-recycling-rates-for-plastic-and-a-heavy-reliance-on-export-mean-that-ireland-is-missing-opportunities-to-foster-a-circular-economy.php>

treated and loopholes are removed, then Government must take action to ensure the compliance authority is accurately recording data through thorough investigation.